

1 BILL NO. G-87- 11-21

2 GENERAL ORDINANCE NO. G- 03-88

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating a dedicated utility eaement.

6 WHEREAS, a petition to vacate a dedicated utility
7 easement within the City of Fort Wayne (as more specifically
8 described below) was duly filed with the City Planning
9 Commission; and

10 WHEREAS, said Commission duly held a public hearing
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its
13 recommendation to this body approving said petition, all in
14 accordance with I.C. 36-7-4-512(2) and this body having held
15 a public hearing on said vacation as provided in I.C. 36-7-
16 4-12; and

17 WHEREAS, this body concurs in the recommendation of the
18 City Planning Commission.

19 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
20 THE CITY OF FORT WAYNE, INDIANA:

21 SECTION 1. That the petition filed herein to vacate a
22 dedicated utility easement within the City of Fort Wayne,
23 more specifically described as follows, to-wit:

24 An easement in Southview Addition to the City of
25 Fort Wayne, Indiana and more particularly
26 described as follows:

27 An 8 foot wide easement being 4 feet either side of the
28 following described centerline: Beginning at the
29 southeast corner of Lot #27 in said addition; thence
30 westerly along the south line of Lots #27 and #28 and
31 continuing westerly to the southeast corner of Lot #29
32 in said addition.

and which vacating amends the Thoroughfare Plan of the City
Comprehensive ("Master") Plan and is hereby approved in all
respects.

SECTION 2. That this Ordinance shall be in full force

1 and effect from and after its passage, any and all necessary
2 approval by the Mayor.

3 Janet G. Bradbury
COUNCILMEMBER

4 APPROVED AS TO FORM AND LEGALITY:

5 Bruce O. Boxberger
6 BRUCE O. BOXBERGER, CITY ATTORNEY

7 ** Public hearing to be held on _____,
8 the _____ day of _____, 1987,
9 in the Council Chambers.

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11 Sandra E. Kennedy, City Clerk
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Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 11-24-87

S. E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT				<u>✓</u>
STIER	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 1-12-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ANNEXATION)

(APPROPRIATION)

(GENERAL)

(SPECIAL)

(ZONING MAP)

ORDINANCE

RESOLUTION NO.

A-03-88

on the 12th day of January, 1988,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of January, 1988, at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20th day of January, 1988, at the hour of 9:50 o'clock A. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 2739

COMMUNITY DEVELOPMENT & PLANNING

CL# 11041
FT. WAYNE, IND., 4/22 1987

RECEIVED FROM Tinkles Inc. \$ 100.00

THE SUM OF One Hundred 00/100 DOLLARS

ON ACCOUNT OF 609 Southview

Vacate

[Signature]

AUTHORIZED SIGNATURE

PETITION TO VACATE a dedicated utility easement.

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the dedicated utility easement within the City of Fort Wayne, Indiana.

See attached Legal description

In support thereof, your petitioners would represent as follows:

1. That they are the only owners of the real estate bordering both sides of said easement
2. That no other person, firm or corporation is interested in or affected by the requested vacation.
3. That a portion of an existing building now lies across this easement.

Your petitioners file this petition pursuant to the authority granted in Indiana Code , Section 36-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described easement be vacated according to the provisions of the Indiana law pertaining thereto.

DATED THIS _____ DAY OF _____ 19____

Pete Kaplan
Adjacent property owner's Signature

5610 Decatur Rd.
17906 US 187
Adjacent property Owner's Address

[Signature]
Adjacent Property owner's Signature

537 Southview Ave.
Adjacent property owner's Address

Carolyn A. McClellan
Adjacent property owner's Signature

602 E Hawthorne
Adjacent property owner's Address

Edward E. Jindel
Adjacent property owner's Signature

5608 Decatur Rd
Adjacent property owner's address

[Signature]
Petitioner's Signature

609 Southview 46806
Petitioner's Address

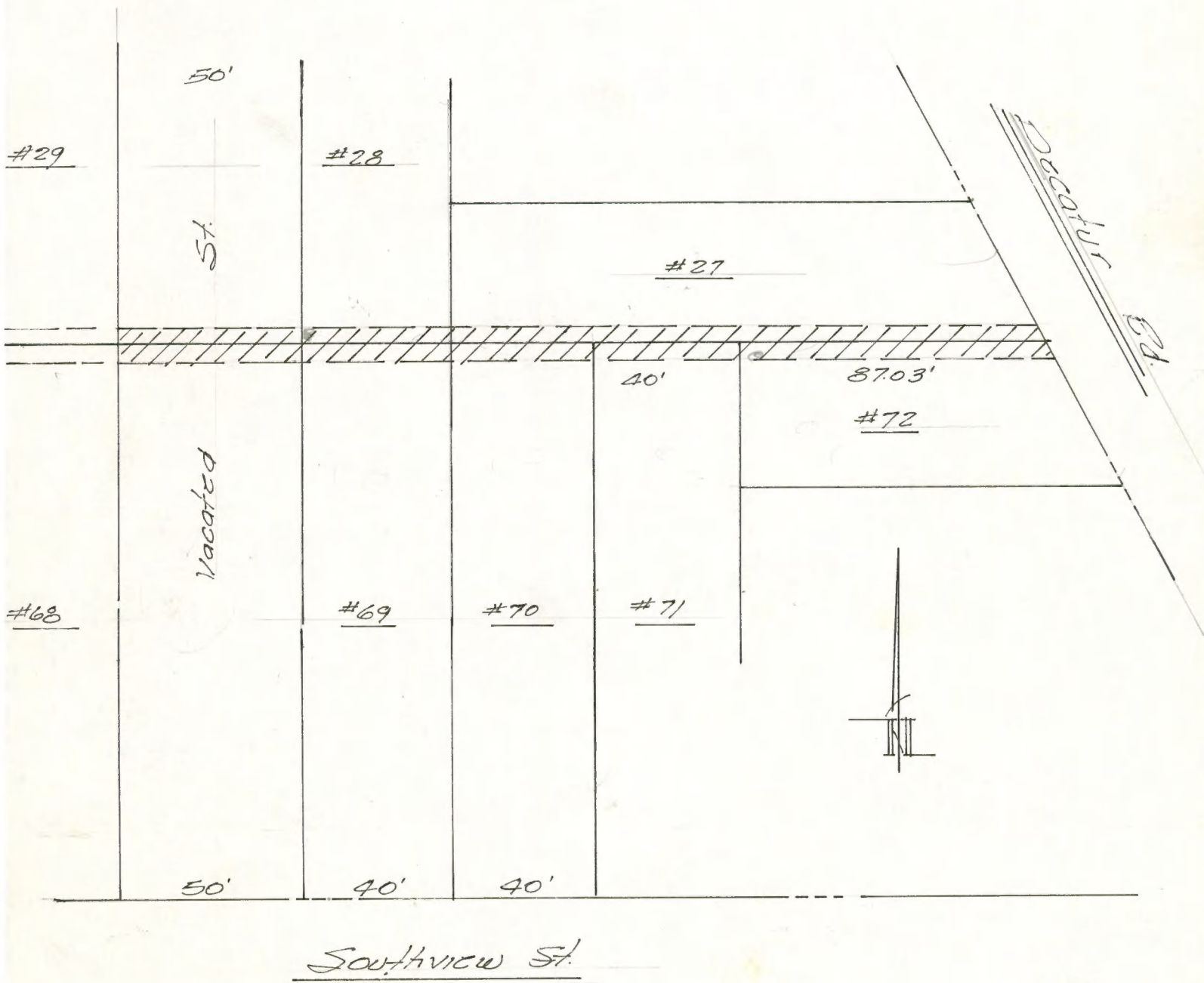
Agent's Name

Agent's Address

LEGAL DESCRIPTION

An easement in SOUTHVIEW ADDITION to the City of Fort Wayne, Indiana and more particularly described as follows:

An 8 foot wide easement being 4 feet either side of the following described centerline: Beginning at the southeast corner of Lot #27 in said addition; thence westerly along the south line of Lots #27 and #28 and continuing westerly to the southeast corner of Lot #29 in said addition.



RESOLUTION

WHEREAS, PETE KAPLANIS, ANTHONY HANCHAR, CAROLYN MCCLELLAN, EDWARD TINKEL AND KENNETH TINKEL have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement in Fort Wayne, Allen County, to-wit:

An easement in Southview Addition to the City of Fort Wayne, Indiana and more particularly described as follows:

An 8 foot wide easement being 4 feet either side of the following described centerline: Beginning at the southeast corner of Lot #27 in said addition; thence westerly along the south line of Lots #27 and #28 and continuing westerly to the southeast corner of Lot #29 in said addition.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on November 16, 1987 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

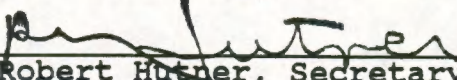
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held November 23, 1987, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 11 DAY OF December 1987

FORT WAYNE CITY PLAN COMMISSION


Robert Hutner, Secretary

WHEREAS, PETE KAPLANIS, ANTHONY HANCHAR, CAROLYN MCCLELLAN, EDWARD TINKEL AND KENNETH TINKEL have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement in Fort Wayne, Allen County, to-wit:

An 8 foot wide easement being 4 feet either side of the following described centerline: Beginning at the southeast corner of Lot #27 in said addition; thence westerly along the south line of Lots #27 and #28 and continuing westerly to the southeast corner of Lot #29 in said addition.

WHEREAS, said vacation of a dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, BARON R. BIEDENWEG, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held December 9, 1987 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 9th DAY OF December 1987

FORT WAYNE BOARD OF PUBLIC WORKS

Baron R. Biedenweg
Director of Public Works

Cosette R. Simon
Director of Administration & Finance

BILL NO. G-87-11-21

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) _____
amending the Thoroughfare Plan of the City Comprehensive
("Master") Plan by vacating a dedicated utility easement

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION) Do Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON
Mark E. GiaQuinta MARK E. GIAQUINTA
VICE CHAIRMAN
Charles B. Redd CHARLES B. REDD
David C. Long DAVID C. LONG
Paul M. Burns PAUL M. BURNS

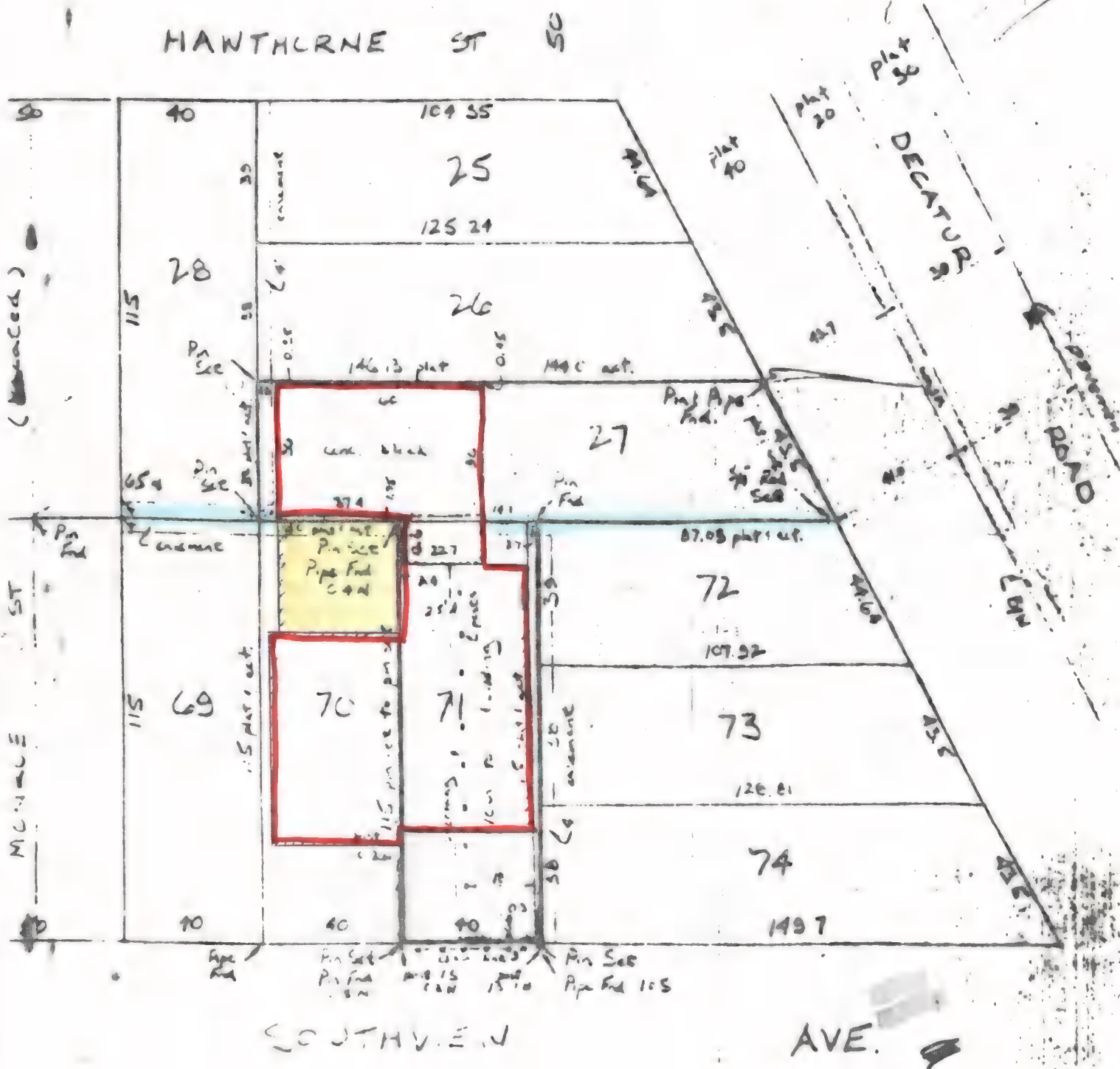
CONCURRED IN 1-12-88

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

plat and deed record thereof on file in the Office of Records of said County and State. The plat and deed is free from encroachments by adjoining landowners, and furthermore, contains correctly within its boundaries the structures of the buildings as they are situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

40 SCALE
 DESCRIPTION OF PROPERTY Lot No. 27 and 71 South View Addition

P.B. 11B p 75



PLAIN CERTIFICATE

-EASEMENT

Scale 1"=40'

-NEW BUILDING

-EXISTING BUILDINGS

is Flood Hazard Area per
 No. 13 City of Ft. Wayne,
 January 15, 1974.

ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&DP

SYNOPSIS OF ORDINANCE An 8 foot wide utility easement being 4 feet either
side of the following: Beginning at the southwest corner of Lot #27 in said
addition; thence westerly along the south line of Lots #27 and #28 and continuing
westerly to the southeast corner of Lot #29 in said addition.

B-87-11-21

EFFECT OF PASSAGE Property is presently a dedicated utility easement.
Property will be vacated and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain a dedicated utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

Division of Community Development & Planning

BRIEF TITLE

Utility Easement Vacation

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

East/West easement south of Southview Ave,
and east of the vacated Monroe Street.

Reason for Project

A portion of an existing building now
encroaches into easement.

Discussion (Including relationship to other Council actions)

16 November 1987 - Public Hearing

Ken Tinkel, petitioner appeared before the Commission. Mr. Tinkel stated that this easement is adjacent to his business at 609 Southview. He stated that there are three buildings on the property and that presently one of the existing structures encroaches into the easement. He stated that they want to add onto two of the structures and make them connecting to this addition. He stated that there are no utilities in the easement and the only lines involved are overhead. He stated that there building would not be high enough to interfere with the lines.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**Applicant(s)
Kenneth Tinkel

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☒ For☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS**
(For Council
use only)
☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

23 November 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.

Of the nine (9) members present 8 voted in favor of the motion one (1) did not vote.

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 22 September 1987

Projected Completion or Occupancy

Date 1 December 1987

Fact Sheet Prepared by

Date 1 December 1987

Patricia Biancaniello

Reviewed by

Date

14 December, 1987

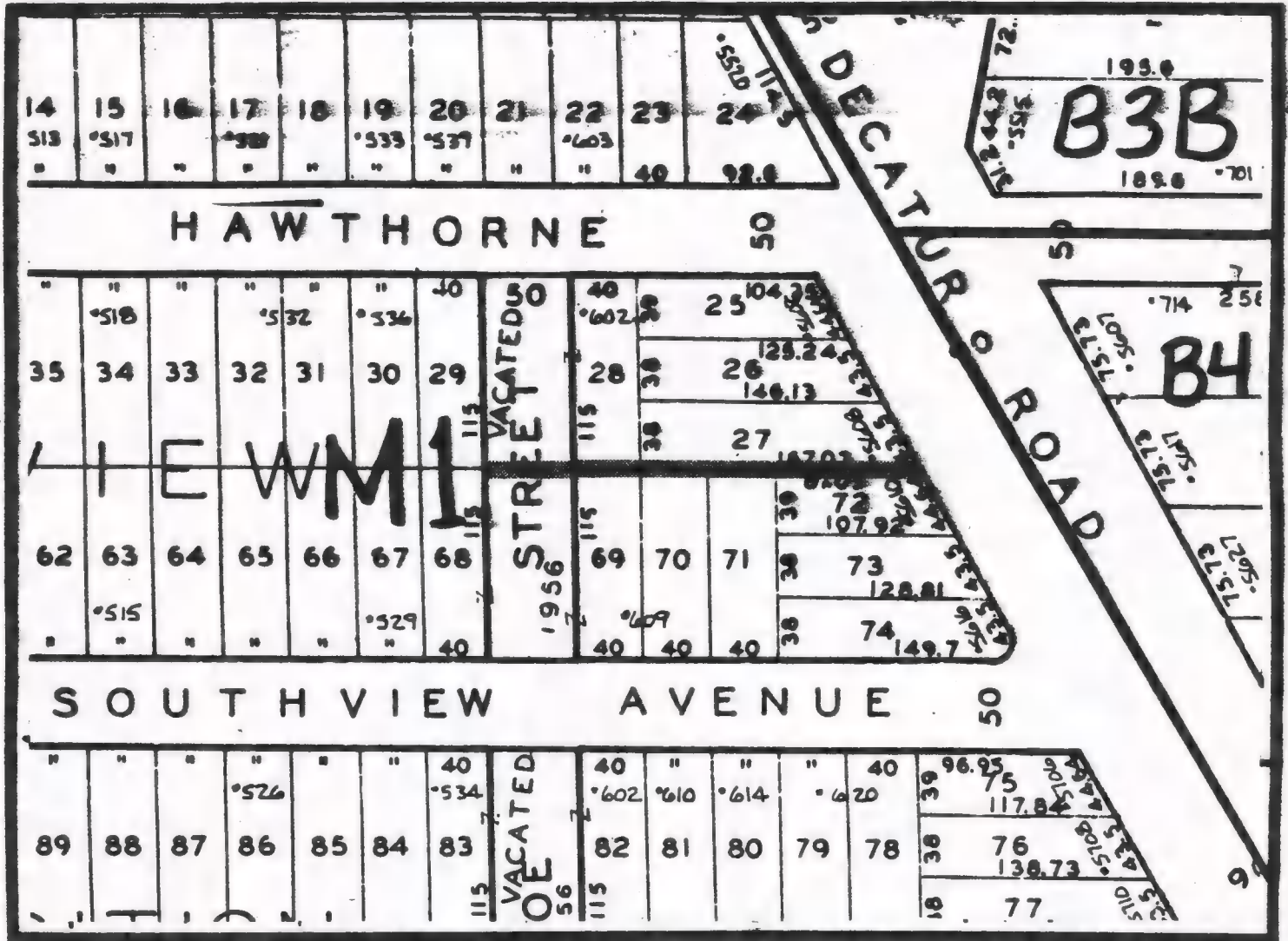
Reference or Case Number

VACATION PETITION #313

A PETITION TO VACATE THE DESCRIBED PUBLIC DEDICATED UTILITY EASEMENT.

MAP NO. N-19

COUNCILMANIC DISTRICT NO. 5



ZONING:

LAND USE:

MI LIGHT INDUSTRY
B3B GENERAL BUSINESS 'B'
B4 ROADSIDE BUSINESS

SCALE: 1"=100'

DATE: 11-1-87



NOTICE OF PUBLIC HEARING

You are hereby notified that the Fort Wayne City Plan Commission will conduct a public hearing on Monday, November 16, 1987 at 7:00 P.M. in Room #126, City-County Building, One Main Street, Fort Wayne, Indiana on the following proposed vacation of a dedicated utility easement and a portion of public right-of-way more particularly described as follows.

1. DEDICATED UTILITY EASEMENT

An easement in Southview Addition to the City of Fort Wayne, Indiana and more particularly described as follows:

An 8 foot wide easement being 4 feet either side of the following described centerline: Beginning at the southeast corner of Lot #27 in said addition; thence westerly along the south line of Lots #27 and #28 and continuing westerly to the southeast corner of Lot #29 in said addition.

Agent:
Kenneth Teapel
609 Southview Dr.
City 46806



THE CITY OF FORT WAYNE

December 18, 1987

Ms. Marilyn Romine
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Romine:

Please give the attached full coverage on the date of December 22, 1987, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-87-11-20
Bill No. G-87-11-21
Bill No. G-87-10-12

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,


Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 3



THE CITY OF FORT WAYNE

December 18, 1987

Mr. Kenneth Tinkel
609 Southview Drive
Fort Wayne, IN 46806

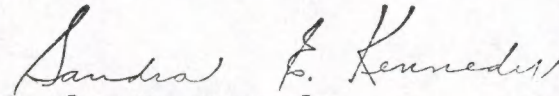
NOTICE OF PUBLIC HEARING ON BILL NO. G-87-11-21

You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on Tuesday, January 12, 1988, at 7:00 P.M. (E.S.T.) in the Common Council Conference Room 128, City-County Bldg., One Main Street, Fort Wayne, Indiana on the following:

East/West easement south of Southview
Avenue and the east of the vacated
Monroe Street

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council


Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-87-11-21)

Notice is hereby given tha the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, January 12, 1988, at 7:00 P.M. (E.S.T.) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particulary described as follows:

East/West easement south of Southview Avenue
and east of the vacated Monroe Street

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All interested parties are invited to appear and be heard.

Fort Wayne Common Council



Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To **JOURNAL-GAZETTE** Dr.
P.O. BOX 100
FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

3

Body number of lines

21

Tail number of lines

3

Total number of lines in notice

27

COMPUTATION OF CHARGES27 lines, 1 columns wide equals 27 equivalent lines at .300¢ 8.10
cents per line \$

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (1.00 for each proof in excess of two) 2 extra 2.00

TOTAL AMOUNT OF CLAIM 10.10
\$**DATA FOR COMPUTING COST**

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 1

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Dec. 22 19 87

Title **CLERK****FORM #904****PUBLISHER'S AFFIDAVIT**State of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roosethat he/she is **CLERK** who, being duly sworn, says**JOURNAL-GAZETTE**a **DAILY** newspaper of general circulation printed and publishedin the English language in the city of **FORT WAYNE, INDIANA**

in state and county aforesaid, and that the printed matter attached hereto is a true copy,

which was duly published in said paper for one time the dates of publication being

as follows:

12/22/87

Drusilla Roose

Subscribed and sworn to me before this 22nd day of December 19 87

Shelley R. LaRue
Shelley R. LaRue Notary Public

My commission expires March 3, 1990

**NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL**

(BILL NO. G-87-11-21)

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All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head	number of lines	3
Body	number of lines	21
Tail	number of lines	3
Total number of lines in notice		27

COMPUTATION OF CHARGES

27	1	27	.300¢	8.10
lines, columns wide equals equivalent lines at				cents per line
Additional charge for notices containing rule or tabular work (50 per cent of above amount)				
Charge for extra proofs of publication (1.00 for each proof in excess of two)				2 extra 2.00
TOTAL AMOUNT OF CLAIM				10.10

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6 point
Number of insertions 1	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Dec. 22, 19 87Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, saysthat he/she is CLERK of theNEWS-SENTINELa DAILY newspaper of general circulation printed and publishedin the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy,

which was duly published in said paper for one time, the dates of publication being

as follows:

12/22/87Subscribed and sworn to me before this 22nd day of December, 19 87Shelley R. LaRue Notary PublicMarch 3, 1990

My commission expires

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-87-11-21)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, January 12, 1988, at 7:00 P.M. (E.S.T.) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

East/West easement south of Southview Avenue and east of the vacated Monroe Street

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All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk